

Government secrecy rules

Lawmakers lament police powers allowed by Patriot Act

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WASHINGTON -- More than four years after the Sept. 11, 2001, attacks, government secrecy is increasing in the United States.

Agents with greater police powers to wage war on terror can probe e-mail, obtain citizens' telephone logs and study their financial records -- all in secret, as allowed by a controversial provision in the Patriot Act.

And federal agencies are quietly removing thousands of public documents from their Web sites, a move that limits public access on thousands of topics and reflects what open government advocates say is the administration's reflexive tendency to keep information from public view.

"This administration has embraced secrecy as a right," said Steven Aftergood, director of the Project on Government Secrecy at the Federation for American Scientists.

There has been methodical shifting of unclassified material -- from the Pentagon's internal phone book to descriptions of existing military weapons and much more -- from public to private domains. Those efforts are the filter-down product of an administration that engineers secret policies -- like detainee torture and warrantless eavesdropping on Americans -- without consulting Congress.

"The problem is everything is considerably less accessible than it was before," said Scott Armstrong, a former investigative reporter with The Washington Post and founder of the National Security Archive at George Washington University. "The default is now secrecy. In a democracy, the default is openness."

The administration has greatly increased the number of documents it stamps classified, from 3.6 million pages in 1995 to 15.6 million in 2004, according to the Information Security Oversight Office. At the same time, the number of pages being declassified, which generally occurs after 25 years, plummeted from 20.4 million in 1997 to 28.4 million in 2004.

"They've taken thousands of documents that were public for years and said 'let's classify them,'" said Sen. Patrick Leahy, D-Vt., a longtime proponent of increasing access to the government. "If other countries were doing this, we'd be laughing at them."

White House spokesman Ken Lisaius said Bush "believes the government should operate as openly as possible," but added that "certain types of information must be protected" if disclosure threatens national security or criminal probes.

Jim VandeHei, White House correspondent for The Washington Post, said administration officials are wary of speaking freely about day-to-day business, and closely guard alternative views produced by internal debate.

"I think the entire administration has had a penchant for secrecy," VandeHei said. "The result is the public ends up knowing a lot less about what the government is doing."

There are officials who speak with reporters, revealing secret programs and coverups, but the Justice Department is pursuing efforts that could also slow the flow of source-derived information.

Investigators are reportedly searching for government officials who told The New York Times of the Bush administration's warrantless surveillance program and The Washington Post of secret CIA prisons in foreign countries, to which detainees captured in Iraq and Afghanistan were rendered.

The Bush administration's secrecy has been permitted to grow under a Republican-led Congress with little

interest in investigating the White House.

Democrats on the House Committee on Government Reform said last year that the panel issued 1,052 subpoenas to the Clinton administration between 1997 and 2002. The same panel, by contrast, had issued just three subpoenas to the White House during Bush's first five years in office.

Congressman Bernard Sanders, I-Vt., a member of the government reform committee, said in a statement that the White House is home to "perhaps the most secretive administration in the modern history of the United States. Whether it was the original planning for the war in Iraq, or energy policy meetings with the big oil companies, or attacks on our constitutional rights, the Bush administration has made it clear that they do not believe in open government."

Sen. James Jeffords, I-Vt., said in a statement that Bush and his administration have "taken secrecy in the federal government to a new extreme. We all understand the need for secrecy in what are truly national security issues, but the Bush administration is withholding information that has nothing to do with national security."

Leahy and Jeffords recently voted against reauthorizing the Patriot Act, saying it contains too many threats to civil liberties.

Leahy, the senior Democrat on the Judiciary Committee, has led the effort to insert civil protections into the bill. He supported various provisions offering civil protections, including one that requires the Justice Department to issue a report to Congress on how many national security letters it issues.

The letters are perhaps the most contentious, and secretive, aspect of the Patriot Act. They can be written by federal agents with no court oversight and act as an administrative subpoena.